

BUREAU OF VITAL STATISTICS: Director shall determine extent and duration of a local registration district that becomes a part of a city, and local registrar continues to hold office until removed or succeeded by a qualified successor.

LOCAL REGISTRAR:

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I.

In response to your request for an official opinion upon the following proposition:

"Because of the changing situation in Clay County arising from the annexation of a portion of Clay County by Kansas City, Missouri, I feel that I must bother you more than necessary for opinions involving situations which arise from conflicts in the newly annexed territory.

"I would now like an official opinion from your office on the following proposition:

"Mrs. Beulah Kitchen of North Kansas City is the duly appointed local registrar for the Division of Health for District 72 which is Gallatin and Platte townships of Clay County. That portion of Clay County which will be annexed by Kansas City, Missouri on January 1st, 1950 lies entirely within this district 72. Who has authority and jurisdiction in this annexed territory to report certificates of births and deaths to the State Bureau of Vital Statistics, Mrs. Kitchen or the Registrar from the Bureau of Vital Statistics of Kansas City, Missouri?

"I think that the director of the Bureau of Vital Statistics in Jefferson City would be interested in this opinion since he has instructed Mrs. Kitchen not to file records for events occurring within the annexed territory. If you need further information

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concerning this question, please let me know and let me have your opinion at your earliest convenience."

we have considered the following matters.

II.

That Kansas City is attempting to annex a part of District Number 72.

A new Uniform Vital Statistics Act was enacted by the Legislature and became effective July 19, 1948. This Act may be found in Laws of Missouri, 1947, Vol. 2, page 237. Section 5 of this Act and also known as Section 9783.4 Mo. R.S.A. provides:

"The director shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof."

The term, director, means the director of the Division of Health of the State Department of Public Health and Welfare.

Prior to the enactment of the new Uniform Vital Statistics Act, Section 9762, R. S. Mo. 1939, provided:

"For the purpose of this article, the state shall be divided into registration districts, as follows: Each city and incorporated town shall constitute a primary registration district; and for that portion of each county outside of the cities and incorporated towns therein, the state board of health shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time as may be necessary to insure the convenience and completeness of registration: Provided, that, in all counties having or which may hereafter have a population of two hundred thousand inhabitants and less than four hundred thousand inhabitants according to the last federal decennial census, such counties shall constitute the primary registration district."

This statute is no longer in effect so the territory in a city does not automatically become part of its registration district.

The Supreme Court of Missouri in the case of McKittrick v. Langston, 84 S.W.(2d) 131, held that under the provisions of Article II of Chapter 52, of the Revised Statutes of 1929 (now Article II

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of Chapter 57, of the Revised Statutes of 1939) which provides for the appointment of local registrars of vital statistics, it is clear that such officials are appointive state officers, and cited cases in support of such holding.

They also held that the local registrar continues to hold office until his successor is appointed and qualified.

Section 8 of said Uniform Vital Statistics Act provides:

"The director on the recommendation of the state registrar shall appoint local registrars * * * "

Since Mrs. Beulah Kitchen is now the duly appointed local registrar for the Division of Health and District Number 72 she will continue to be the local registrar of all that district until the director of the Division of Health creates a new registration district, or removes her under the power stated above. The fact that part of District Number 72 may become part of the city of Kansas City will not automatically remove Mrs. Beulah Kitchen because she is an appointed state officer serving the State of Missouri in reporting the births and deaths in all of District Number 72. She is paid by the county court of Clay County, Missouri in accordance with Section 32, of said Uniform Vital Statistics Act, Laws Missouri, 1947, Vol. 2, page 237.

It is true that this section also provides:

"In cities having a population of one hundred thousand or over, where health officers or other officials are conducting effective registration of births and deaths under local ordinances, such officers being continued as registrars in and for such cities as provided in this act, and being paid by such cities salaries for their official services, said officers shall not be entitled to nor have power to collect any fee provided for in this section, but such salaries shall be in full compensation also for their services as registrars: * * * "

But the question of who pays the registrar is not the controlling factor. The Director of the Division of Health has the power and duty to fix the territory to be served by her or any other local registrar.

CONCLUSION

It is, therefore, the opinion of this office that the Director

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of the Division of Health of the State Department of Public Health and Welfare shall determine who shall act as local registrar for that part of District Number 72, that becomes a part of Kansas City, Missouri, and until he changes the present territory for said district the present local registrar of District Number 72 shall continue to serve all of that District whether within or without the city limits of Kansas City, Missouri.

Respectfully submitted,

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APPROVED:

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